

Application for Search and Seizure Warrant

UNITED STATES DISTRICT COURT

for the
Western District of Washington

In the Matter of the Search of:

Alex Gonzales-Lara

Case No. MJ20-5046

APPLICATION FOR A SEARCH WARRANT FOR BLOOD SAMPLE

I, Claudia Pantoja, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that a sample of blood consisting of one of more tubes or vials should be taken from the following person:

Alex Gonzales-Lara

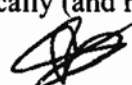
located in the Western District of Washington and that this blood sample is evidence of the following crime or crimes.

- ☒ Driving While Under the Influence in violation of RCW 46.61.502, 18 U.S.C. § 13, and 36 C.F.R. § 4.23 or 38 C.F.R. § 1.218
- ☒ Physical Control of a Vehicle While Under the Influence of Alcohol or Drugs in violation of RCW 46.61.504, 18 U.S.C. § 13, and 36 C.F.R. § 4.23 or 38 C.F.R. § 1.218
- ☐ Driver under Twenty-One Consuming Alcohol or Marijuana in violation of RCW 46.61.503 and 18 U.S.C. § 13
- ☐ Vehicular Homicide in violation of RCW 46.61.520 and 18 U.S.C. § 13
- ☐ Vehicular Assault in violation of RCW 46.61.524 and 18 U.S.C. § 13
- ☐ _____

This application is based on the facts set forth in the attached affidavit which is incorporated herein as if fully set forth.

Pursuant to Fed. R. Crim. P. 4.1 & 41(d)(3), this warrant is presented:

- ☒ By reliable electronic means.
- ☐ Telephonically (and recorded).



Claudia Pantoja, Affiant

The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone on this 7th day of March, 2020.



THE HON. MICHELLE L. PETERSON
UNITED STATES MAGISTRATE JUDGE

1
2 STATE OF WASHINGTON)
3) ss
4 COUNTY OF PIERCE)

5
6 AFFIDAVIT OF CLAUDIA PANTOJA

7 I, Claudia Pantoja, a federal law enforcement officer in Pierce County,
8 Washington, having been duly sworn, state as follows:

9 AFFIANT BACKGROUND

10 1. I have served as a law enforcement officer for more than two years. My
11 training and experience relevant to the investigation discussed below includes the
12 following:

- 13 ☒ Basic Training at the Federal Law Enforcement Training Center
14 ☐ Basic Law Enforcement Academy at the Washington Criminal
15 Justice Training Commission
16 ☒ Standardized Field Sobriety Testing
17 ☐ Advised Roadside Impaired Driving Enforcement Training

18 I am currently assigned to the 571ST MP Co section. I have over two years of
19 training and experience detecting, investigating, and apprehending people for driving
20 under the influence of alcohol and / or drugs. My past training includes 20 weeks of law
21 enforcement training taught at Fort Leonard Wood, MO, by the US Army; a 180-hour
22 course taught by the Lewis McChord Police Department to work law enforcement on
23 Joint Base Lewis-McChord. I am also trained to recognize the signs and evidence of an
24 alcohol-and/or drug related collision. Through my past training and experience, I have
25 learned to recognize the signs of alcohol and/or drug impairment in people and to
26 determine whether or not a person's ability to drive a motor vehicle safely is impaired. I
27 also know from my past training and experience that most drugs once ingested including
28 alcohol, will be detectable in a person's blood.

2. The information presented in this affidavit is:

- ☒ Based on my personal observations and interviews that I have conducted.
- ☐ Based on the personal observations and interviews conducted by xx **Name of Officer or Officers**, who is/are xx **Title** and xx **Agency**. I have learned that this individual has received the following relevant training and has xx years of experience as a law enforcement officer.

INTRODUCTION AND PURPOSE OF THE AFFIDAVIT

3. The purpose of this affidavit is to seek a search warrant to authorize me or other law enforcement officers to direct a physician, a registered nurse, a licensed practical nurse, a nursing assistant as defined in Chapter 18.88A of the Revised Code of Washington (RCW), a physician assistant as defined in chapter 18.71A of the RCW, a first responder as defined in chapter 18.73 of the RCW, an emergency medical technician as defined in chapter 18.73 of the RCW, a health care assistant as defined in chapter 18.135 of the RCW, or any technician trained in withdrawing blood to extract a blood sample consisting of one or more tubes or vials from **Alex Gonzalez-Lara** (hereafter "the Subject"). This warrant is requested for the purpose of gathering evidence of the following crime(s):

- ☒ Driving While Under the Influence in violation of RCW 46.61.502, 18 U.S.C. § 13, and 36 C.F.R § 4.23 or 38 C.F.R. § 1.218
- ☒ Physical Control of a Vehicle While Under the Influence of Alcohol or Drugs in violation of RCW 46.61.504, 18 U.S.C. § 13, and 36 C.F.R § 4.23 or 38 C.F.R. § 1.218
- ☐ Driver under Twenty-One Consuming Alcohol or Marijuana in violation of RCW 46.61.503 and 18 U.S.C. § 13
- ☐ Vehicular Homicide in violation of RCW 46.61.520 and 18 U.S.C. § 13
- ☐ Vehicular Assault in violation of RCW 46.61.524 and 18 U.S.C. § 13
- ☐ _____

4. I am seeking to present this application for a search warrant by electronic means because the natural metabolism of alcohol or drugs in the bloodstream may

1 result in the loss of this evidence in the time it would take to present a search warrant
2 application in a more traditional fashion.

3 SUMMARY OF PROBABLE CAUSE

4 5. As a result of my duties, I am familiar with the jurisdictional boundaries of
5 Joint Base Lewis-McChord. The incident described below occurred within these
6 jurisdictional boundaries, an area within the special maritime and territorial jurisdiction
7 of the United States as defined in 18 U.S.C. § 7.

8 6. The initial contact with the Subject occurred on March 7, 2020, at
9 approximately 2:37 a.m. at Joint Base Lewis-McChord, Washington, after I was
10 dispatched to 41st Gate for a possible DUI. Upon making contact with GONZALEZ, she
11 was in her vehicle I asked her where she was coming back from and if she was on any
12 medication. GONZALEZ stated she had taken ibuprofen because of her pneumonia and
13 that she was returning from Buffalo Wild Wings. I then requested that she exit the vehicle
14 and place her keys on the dashboard, she struggled attempting to turn her vehicle off even
15 though the gate military police officer had retrieved her keys prior to my arrival and her
16 vehicle. She then exited the vehicle. Another officer who was assisting me smelled a
17 strong odor of alcohol from GONZALEZ I then lead her to a straight line to conduct
18 SFSTs.

19 7. Based on my training and experience, I believe the Subject may be under
20 the influence of intoxicants or drugs for the following reasons: I asked GONZALEZ if
21 she would be willing to volunteer to Standard Field Sobriety Tests, which she agreed to.
22 First, we began with the Walk and Turn. I explained the Walk and Turn and did an
23 example for the test, which GONZALEZ said she understood how to complete the test.
24 On the Walk and Turn, GONZALEZ stepped off the line on step three of the heel to toe
25 steps and did not make contact with heel to toe on steps seven, eight and nine.
26 GONZALEZ also conducted an improper turn during the test. Next, I explained the One
27 Leg Stand test and conducted the test explaining the test, which she said she understood.
28 During the test, GONZALEZ did not count. GONZALEZ also used her arms for balance

1 and placed her right foot flat on the side of her left knee. GONZALEZ declined to take a
2 breathalyzer test.

3 8. The Subject:

- 4 ☒ Has refused to take a breath Alcohol test on an instrument approved by
5 the State Toxicologist or a federal agency for such breath testing.
- 6 ☐ Is being treated in a hospital, clinic, doctor's office, emergency medical
7 vehicle, ambulance, or other similar facility, or is at a location that lacks
8 an instrument approved by the State Toxicologist or a federal agency for
9 performing such breath testing, and has refused to submit to a blood
10 test.
- 11 ☐ Is incapable due to physical injury, physical incapacity, or other
12 physical limitation of submitting to a breath alcohol test, and the
13 defendant has refused to submit to a blood test.
- 14 ☐ Has refused to submit to a blood test at the request of the undersigned.
- 15 ☐ Was not offered an opportunity to take a breath alcohol test on an
16 instrument approved by the State Toxicologist or a federal agency for
17 such breath testing because:
- 18 ☐ The available instrument is currently out of order
- 19 ☐ The individual does not speak English and the implied consent
20 warnings are not available in a language that the defendant
21 understands
- 22 ☐ _____
- 23 ☐ Submitted to a breath test on an instrument approved by the State
24 Toxicologist or a federal agency for such breath testing but the breath
25 alcohol concentration reading of is not consistent with the defendant's
26 level of impairment suggesting that the defendant is under the influence
27 of a drug.

28 9. A sample of blood extracted from the Subject if taken within a reasonable
period of time after he/she last operated, or was in physical control of, a motor vehicle,
may be tested to determine his/her current blood alcohol level and to detect the presence
of any drugs that may have impaired his/her ability to drive. This search warrant is being
requested within ^{4 mup} ~~three~~ hours after the Subject ceased driving or was found in in physical
control of a motor vehicle.

CONCLUSION

10. For the reasons stated above, I request authority to direct a physician, a registered nurse, a licensed practical nurse, a nursing assistant as defined in chapter 18.88A of the RCW, a physician assistant as defined in chapter 18.71A of the RCW, a first responder as defined in chapter 18.73 of the RCW, an emergency medical technician as defined in chapter 18.73 of the RCW, a health care assistant as defined in chapter 18.135 of the RCW, or a technician trained in withdrawing blood to extract a blood sample consisting of one or more tubes or vials from **Alex Gonzalez-Lara**.

11. This application for a warrant is being presented electronically pursuant to Fed. R. Crim P. 4.1 & 41(d)(3).

I certify (or declare) under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated this 7th day of March, 2020.



Claudia Pantoja, Affiant

The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit on 7th day of March, 2020.



THE HON. MICHELLE L. PETERSON
UNITED STATES MAGISTRATE JUDGE